

## REMARKS/ARGUMENT

This amendment responds to the December 17, 2003, Office Action. Claims 10-14 and 17-36 are pending in the application. Claim 10 is amended and claim 13 is cancelled by this response. No new matter is added by this amendment.

### 1. Examiner Interview

The applicants thank the Examiner for conducting an interview with the applicants' attorney on February 13, 2004. An Associate Power of Attorney accompanies this amendment as agreed during the interview. Claim 10 is amended in accordance with comments exchanged during the interview.

### 2. Rejection of Claims 10-14, 17, and 18 under 35 U.S.C. § 103(a)

The Examiner rejects claims 10-14, 17, and 18 under 35 U.S.C. § 103(a), stating that the claims are unpatentable over U.S. Patent Number 2,769,503 to Wagner. The applicants traverse this rejection.

Claim 10 (as amended) recites a freight vehicle comprising, *inter alia*, "a control arrangement detachably coupling the cover to the door of the driver's cab, wherein a movement of the door of the driver's cab controls a movement of the cover between a closed position concealing the panel and an open position revealing the panel." The Wagner patent fails to disclose or suggest a control arrangement as recited in claim 10. For example, the movable section 33 of the vehicle fender 31 disclosed in the Wagner patent is not detachably coupled to the door 28 of the operator's compartment 21. The Wagner patent also does not disclose or suggest that a movement of the door 28 can or will control a movement of the movable section 33 between a closed position concealing the panel and an open position revealing the panel as recited in claim 10. In addition, claim 10 (as amended) recites "a panel comprising at least one externally accessible step arranged on the panel to enable a user to climb to the driver's cab." The Wagner patent does not disclose that the horizontal portion 35 of the fender 31 can be used as an accessible step as suggested by the Examiner. In fact, the Wagner patent only discloses that an outwardly pocket 53 formed in the stationary section 32 serves as a step to facilitate entrance and exit to and from the operator's compartment 21 by the operator. (See the Wagner patent at col. 3, lines 16-25.) Further, the applicants submit that no motivation or suggestion exists for modifying the movable section 33 and the door 28 of the Wagner patent with the

control arrangement as recited in claim 10. The Wagner patent does not disclose or suggest a motivation or need to open the fender 31 with each opening of the operator's door 28, such as, access to "at least one externally accessible step arranged on the panel to enable a user to climb to the driver's cab" as recited in claim 10. The Wagner patent does not disclose or suggest either the control arrangement or the panel as recited in claim 10.

The Examiner's citation does not make obvious the claimed subject matter as a whole. Claim 10 is therefore allowable over the Wagner patent. Claim 13 is cancelled by this amendment. Since claims 11, 12, 14, 17, and 18 ultimately depend from claim 10, these claims are allowable over the Wagner patent for at least the same reasons provided above. The rejections of claims 10-12, 14, 17, and 18 should therefore be withdrawn.

### **3. Allowable Subject Matter**

The Examiner objects to claims 19-27, stating that the claims are dependent upon a rejected base claim and that claims 19-27 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The applicants believe that the base claims 10 and 18 are allowable for the reasons discussed above. Since claims 19-27 are believed to depend upon allowable base claims, the applicants do not choose to rewrite the claims into independent form.

The Examiner indicates that claims 28-36 are allowed.

### **4. Conclusion**

The application is believed to be in condition for allowance. Favorable consideration is respectfully requested.

Respectfully submitted,

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